

Rule 10. Motion for summary disposition.

(a) *Time for filing; grounds for motion.*

(a)(1) A party may move at any time to dismiss the appeal or the petition for review on the basis that the appellate court lacks jurisdiction.

(a)(2) Within 10 days after the docketing statement or an order granting a petition under Rule 5(e) is served, a party may move:

~~(a)(1) To dismiss the appeal or the petition for review on the basis that the appellate court has no jurisdiction; or~~

(a)(2)(A) To affirm the order or judgment which is the subject of review on the basis that the grounds for review are so insubstantial as not to merit further proceedings and consideration by the appellate court; or

(a)(3)(B) To reverse the order or judgment which is the subject of review on the basis of manifest error.

(b) *Number of copies; form of motion.* An original and seven copies of a motion made pursuant to this rule shall be filed with the Clerk of the Supreme Court. An original and four copies shall be filed with the Clerk of the Court of Appeals. The motion shall be in the form prescribed by Rule 23.

(c) *Filing of response.* The party moved against shall have 10 days from the service of such a motion in which to file a response. An original response and seven copies shall be filed in the Supreme Court. An original response and four copies shall be filed in the Court of Appeals.

(d) *Submission of motion; suspension of further proceedings.* Upon the filing of a response or the expiration of time therefor, the motion shall be submitted to the court for consideration and an appropriate order. The time for taking other steps in the appellate procedure is suspended pending disposition of a motion to affirm or reverse or dismiss.

(e) *Ruling of court.* The court, upon its own motion, and on such notice as it directs, may dismiss an appeal or petition for review if the court lacks jurisdiction; or may summarily affirm the judgment or order which is the subject of review, if it plainly appears that no substantial question is presented; or may summarily reverse in cases of manifest error.

(f) *Deferral of ruling.* As to any issue raised by a motion for summary disposition, the court may defer its ruling until plenary presentation and consideration of the case.